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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92073342
Party	Defendant Volta Robots S.R.L.
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Submission	Answer
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Date	03/13/2020
Attachments	Answer and Affirmative Defenses.PDF(78301 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No.	5569984
Filed:	February 15, 2018
Mark:	VOLTA
Registered:	September 25, 2018

NVIDIA Corporation,

Petitioner,

v.

Volta Robots S.r.L.,

Registrant.

Cancellation No. 92073342

ANSWER AND AFFIRMATIVE DEFENSES

Pursuant to TBMP §§ 310 and 311, Registrant Volta Robots S.r.L. (“Registrant”), acting by and through its undersigned counsel, hereby responds to Petitioner NVIDIA Corporation’s (“Petitioner”) Petition for Cancellation (“Petition”) as follows:

To the extent that Petitioner’s introductory paragraph states factual allegations, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations related to Petitioner’s incorporation status and business address, and, therefore, it denies the same. Registrant denies that Petitioner will be harmed by the registration of U.S. Trademark Registration No. 5569984 (“the ‘984 Registration”) for the mark VOLTA (“VOLTA Mark”), and denies that Petitioner is entitled to any such relief.

1. Registrant admits that the ‘984 Registration speaks for itself.
2. Registrant admits that U.S. Trademark Application Serial No. 88145204 (“the ‘204 Application”) for NVIDIA VOLTA speaks for itself.
3. Registrant admits that the prosecution history regarding the Office Action dated July 29, 2019, for the ‘204 Application speaks for itself. In further answering, Registrant denies the remaining allegations in paragraph 3 of the Petition, denies that Petitioner will be damaged by the ‘984 Registration, and denies that Petitioner is entitled to any such relief.
4. Registrant admits that U.S. Trademark Application Serial No. 87799408 (“the ‘408 Application”), which matured into the ‘984 Registration, for the VOLTA Mark speaks for itself.
5. Registrant admits that the ‘408 Application speaks for itself.
6. Registrant denies the allegations contained in paragraph 6 of the Petition.
7. Registrant denies the allegations contained in paragraph 7 of the Petition.

WHEREFORE, Petitioner’s Request for Relief does not state any factual allegations, and, therefore, no response is required. Registrant denies that Petitioner is entitled to any such relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Petitioner’s claims alleged in the Petition fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Petitioner’s claims alleged in the Petition lack merit and are insufficient to support a cancellation against the ‘984 Registration.

THIRD AFFIRMATIVE DEFENSE

Petitioner will not suffer any damages or harm by Registrant's continued registration of its VOLTA Mark as identified in the '984 Registration.

FOURTH AFFIRMATIVE DEFENSE

Registrant applied for and maintains its VOLTA Mark as identified in the '984 Registration in good faith.

FIFTH AFFIRMATIVE DEFENSE

Petitioner's claims are barred by unclean hands, laches, acquiescence, waiver, and/or estoppel.

SIXTH AFFIRMATIVE DEFENSE

Registrant reserves its right to amend its Answer to the Petition for Cancellation, to amend its Affirmative Defenses, and to assert such additional Affirmative Defenses as it deems appropriate and such Counterclaims as may be permitted that may now exist or in the future are available based on discovery and further factual investigation in this proceeding.

WHEREFORE, Registrant Volta Robots S.r.L. respectfully requests that the Trademark Trial and Appeal Board dismiss the above-captioned Petition for Cancellation in its entirety, that the Board allow United States Trademark Registration No. 5569984 for the mark VOLTA to remain on the Registry, and that the Board grant Registrant Volta Robots S.r.L. such other relief as it deems just and appropriate.

Dated: March 13, 2020

Respectfully submitted,

Volta Robots S.r.L.

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Attorneys for Volta Robots S.r.L.

CERTIFICATE OF SERVICE

I, Thomas J. Mango, Esq., counsel to Registrant Volta Robots S.r.L., in Cancellation Proceeding No. 92073342, certify that, on the 13th day of March 2020, I served a copy of the Answer and Affirmative Defenses, via electronic mail, upon:

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